



CYNTHIA D. BANKS
Director

**COMMUNITY AND SENIOR SERVICES
OF LOS ANGELES COUNTY**

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"To Enrich Lives Through Effective And Caring Service"

BOARD OF SUPERVISORS

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BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

#20 JUNE 9, 2010

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

June 09, 2010

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**AUTHORIZATION TO ACCEPT OLDER AMERICANS ACT TITLE III B, OLDER AMERICANS ACT
TITLE VII AND OLDER CALIFORNIANS ACT SPECIAL DEPOSIT FUND GRANT AWARDS AND
CONTRACT AMENDMENTS AND APPROVAL TO EXECUTE A SOLE SOURCE CONTRACT
WITH WISE AND HEALTHY AGING FOR THE PROVISION OF LONG-TERM CARE
OMBUDSMAN PROGRAM SERVICES**

SUBJECT

Community and Senior Services (CSS) seeks delegated authority to: 1) accept Older Americans Act (OAA) Title III-B (Ombudsman Services), OAA Title VII and Older California Act (OCA) Special Deposit Fund – Federal Health Facilities Citation Penalties Account (hereinafter Special Deposit Fund) grant awards and contract amendments from the California Department of Aging (CDA) for each year of a four-year funding period beginning July 1, 2010 through June 30, 2014; 2) execute annual contracts and contract amendments with the CDA required for acceptance of the grant funds; 3) execute a sole source contract for a four-year term effective July 1, 2010 through June 30, 2014 and allocate funds for the contract with WISE and Healthy Aging for the provision of services under the Long-Term Care Ombudsman (LTCO) Program, which uses Ombudsman Representatives to advocate for the rights of Clients (age 60 years and older) who reside in long-term care facilities located in Los Angeles County (excluding the city of Los Angeles); 4) execute contract amendments within the contract term to increase or decrease the contract amount; and 5) execute a Cost of Living Adjustment (COLA) to the contracted agency.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Authorize the Director of CSS, or designee, from the Los Angeles County Area Agency on Aging (AAA), Planning and Service Area (PSA) 19, to accept anticipated funding for Fiscal Year (FY) 2010-11 OAA Title III-B (Ombudsman Services) grant award of \$103,486, OAA Title VII grant award of

\$217,036 and OCA Special Deposit Fund grant award of \$289,058 from the CDA (Contract #AP-1011-19) for the provision of LTCO Program Services to older individuals who are 60 years of age or older.

2. Delegate authority to the Director of CSS, or designee, to accept OAA Title III-B (Ombudsman services), OAA Title VII and OCA Special Deposit Fund grant awards and any amendments thereto from the CDA for each year of the contract period beginning July 1, 2010 through June 30, 2014, under the following CDA contract numbers: 1) AP-1011-19 (for FY 2010-11); 2) AP-1112-19 (for FY 2011-12); 3) AP-1213-19 (for FY 2012-13); and, 4) AP-1314-19 (for FY 2013-14); and, execute annual contracts and all future contract amendments with the CDA required for acceptance of these funds, provided that: 1) the referenced CDA contract numbers do not change during the four-year contract period, and 2) the Director of CSS, or designee, notifies your Board and the Chief Executive Officer (CEO) in writing within ten work days of accepting the funding.

3. Delegate authority to the Director of CSS, or designee, to negotiate and execute a four-year contract with WISE and Healthy Aging, effective July 1, 2010 through June 30, 2014 for the provision of the LTCO Program Services indicated in Attachment A after County Counsel (hereinafter Counsel) approval as to form.

4. Authorize the Director of CSS, or designee, to execute contract amendments with WISE and Healthy Aging as needed throughout the contract term effective July 1, 2010 through June 30, 2014, to increase or decrease the maximum contract amount in response to any of the following: 1) change in funding received from the CDA; 2) contractor performance as determined by CSS, which warrants an amendment; or 3) changes which affect the total available funds. Executing these amendments will be contingent upon the Director of CSS, or designee, ensuring that: (a) the total allocations do not exceed available funding; (b) approval of Counsel as to form is obtained prior to any such amendment; and (c) the Director of CSS, or designee, confirms in writing to the Board of Supervisors and the CEO within 30 days after such amendments have been executed. This action would assure full expenditure of funds and is consistent with the Board's policy requiring review of contractor performance.

5. Authorize the Director of CSS, or designee, to execute and approve COLA increases or decreases to contracted agency at the Director's discretion, consistent with the County's established policy and County contract language.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The recommended actions will enable CSS to continue administration of the LTCO Program for the contract term beginning July 1, 2010 through June 30, 2014. The LTCO Program provides advocacy to protect the rights of Clients residing in long-term care facilities by working to resolve Clients' problems with care to bring about changes at the local, State and national levels and ultimately improving the care provided for all long-term care facility residents. The core of the LTCO Program uses volunteers and volunteer programs to accomplish the following objectives: investigate and resolve complaints made by or on behalf of Client; assist and advocate for the dignity, quality-of-life and quality-of-care for Client; educate both consumers (including Client and his/her family members) and long-term care providers about Client's rights and good care practices; and, promote activities, policies and practices needed to prevent, detect, assess, treat, intervene in, investigate and respond to elder abuse, neglect and exploitation (including financial exploitation).

Performance Measures

The success of the LTCO Program will be measured based on performance measures which align with the County's Performance Counts! Initiative.

Implementation of Strategic Plan Goals

The recommended actions support the following Countywide Strategic Plan Goals: Goal #1 Operational Effectiveness, Goal #2 Children, Family and Adult Well-Being, and Goal #4 Health and Mental Health.

FISCAL IMPACT/FINANCING

The recommendations have no impact on Net County Cost. The LTCO Program is financed with OAA Title III-B (Ombudsman Services), OAA Title VII and OCA Special Deposit Fund grant funds received annually from the CDA. These funds are included in the Department's FY 2010-11 Proposed Budget. The anticipated total available funds for the LTCO Program are \$609,580, which will be fully allocated to the contracted agency to provide LTCO Program Services. The Department's administrative costs for the LTCO Program are offset with other AAA funding.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The current LTCO Program contract with WISE and Healthy Aging was negotiated as a result of a solicitation using the Request for Proposals (RFP) process in FY 2002-03 for a four-year funding period effective July 2003 through June 2007. This contract was subsequently amended with the approval of the CDA. Amending the contract resulted in extending the period of performance in exchange for allocating an additional award of grant funds. This amended contract will expire on June 30, 2010.

CSS received CDA approval to solicit vendors for LTCO Program Services through the release of a Request for Information (RFI). CSS released the RFI in March 2010 to obtain statements of interest from qualified vendors to provide these services beginning July 1, 2010. Only one vendor, WISE and Healthy Aging, submitted a response. The Department evaluated the vendor's response and determined that it met the requirements stated in the RFI. CSS determined to award the contract to WISE and Healthy Aging pursuant to the California Code of Regulations (CCR), Title 22, Section 7360 (Noncompetitive Award). Before making the final contract award with the recommended vendor, pursuant to requirements established by CDA through its Office of the State Long-Term Care Ombudsman (OSLTCO), CSS requested and received approval to make the award based on OSLTCO's determination that WISE and Healthy Aging met the designation requirements of the OAA. OSLTCO is the designated State Ombudsman authorized by the OAA to administer and oversee the Statewide LTCO Program.

The LTCO Program contract contains COLA language that is consistent with current County policy. The agency recommended for funding, WISE and Healthy Aging, is in compliance with all Board and CEO requirements. The CEO has reviewed and concurs with the recommended actions.

Counsel and CEO have reviewed this Board Letter. Counsel approval as to form will be obtained prior to execution of the contract and any amendments with the recommended agency. CSS has notified the Board and the CEO of its intent to procure a sole source contract with WISE and Healthy Aging. The required Sole Source Checklist and justification has been approved by the CEO and is

included as Attachment B.

CONTRACTING PROCESS

On March 22, 2010, CSS released the RFI to identify qualified vendors capable of providing LTCO Program Services. CSS used its address database to mail more than 400 letters of interest to potential vendors and other interested parties in all Supervisorial Districts. This mailing list included members of both the Los Angeles County AAA Advisory Council and the Los Angeles County Commission on Aging (LACCOA), current AAA-funded agencies and other service providers. The RFI was advertised in eight greater Los Angeles County newspapers including the Los Angeles Times, L.A. Watts Times, Antelope Valley Press, San Gabriel Valley Tribune, Daily Breeze, Daily News, Long Beach Press Telegram and HOY. The RFI was posted and available on the CSS, Internal Services Department (ISD) and County Office of Small Business (OSB) websites.

One vendor, WISE and Healthy Aging, submitted a statement of interest to provide LTCO Program Services in response to the RFI. This vendor is also the sole contractor that is currently providing LTCO Program Services for the County of Los Angeles. WISE and Healthy Aging submitted a statement of interest that clearly demonstrated its ability to provide the specialized LTCO Program Services throughout the Los Angeles County area (excluding the City of Los Angeles). It has the qualified, experienced staff that is able to perform the required tasks in a cost-effective manner without an excessive learning curve.

WISE and Healthy Aging, a private non-profit corporation, has been the sole provider of LTCO Program Services for the County of Los Angeles since the LTCO Program's inception more than 30 years ago. The agency maintains sufficient levels of both paid staff and volunteers who function as Ombudsman Representatives, certified by the OSLTCO. The Ombudsman Representatives provide the LTCO Program Services by advocating for the rights of Clients, working to resolve Clients' problems with care to bring about changes at the local, State and national levels and ultimately endeavoring to improve the care provided for all long-term care facility residents. Additionally, WISE and Healthy Aging engages in activities which support the prevention of elder abuse including outreach, community education, service provider training and data collection and analysis. OSLTCO has determined that WISE and Healthy Aging has met the designation requirements of the OAA as specified in Title 42 United States Code, Section 3058g (a)(5) and is free of any conflicts of interest. Accordingly, OSLTCO has approved WISE and Healthy Aging as the agency recommended by CSS for contract award.

WISE and Healthy Aging is being recommended for funding through a Noncompetitive Award under Title 22, Section 7360 of the CCR as a result of inadequate competition. CSS met all solicitation requirements including: wide dissemination and advertising of the RFI, reasonable specifications, allowed a significant time frame for submission, timeline for delivery and performance was realistic, and the solicitation of a number of sources. WISE and Healthy Aging was the only vendor who submitted a response and met the minimum requirements for the LTCO Program and demonstrated the capability to perform the required scope of work.

The LTCO Program contract is not a Proposition A contract in which living wage laws would be applicable. CSS is not capable of providing direct LTCO Program Services as required by the CDA.

Monitoring

Monitoring of the LTCO Program will be conducted on an annual basis and will include administrative and programmatic monitoring to ensure contract compliance. Program monitoring is accomplished through the CSS Contract Compliance Division. Fiscal compliance monitoring will be conducted biannually by an approved vendor procured through the Auditor-Controller.

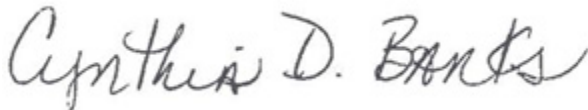
IMPACT ON CURRENT SERVICES (OR PROJECTS)

The recommended actions will assure the continuation of LTCO Program Services to older individuals age 60 and older, residing in long-term care facilities located in Los Angeles County, excluding the City of Los Angeles. The LTCO Program uses Ombudsman Representatives to advocate on behalf of Clients residing in these long-term care facilities in exercising their civil and human rights. The contractor providing LTCO Program also initiates activities to develop and carry out programs that prevent, detect, assess and treat, intervene, investigate and respond to elder abuse, neglect and exploitation (including financial exploitation). Without these crucial LTCO Program Services, Clients residing in long-term care facilities face the possibility of abuse (physical, emotional, financial, etc.), improper and/or inadequate care, violation of civil and human rights and other issues for which they may not have appropriate redress.

CONCLUSION

Upon Board approval, please mail one copy of the adopted Board Letter to Ms. Tsotso Odamtten, CSS, 3175 West Sixth Street, Room 403, Los Angeles, CA, 90020. If you need to contact Ms. Odamtten, she may be reached at (213) 738-2663.

Respectfully submitted,



CYNTHIA D. BANKS
Director

CDB:OS:MQ
CD:TO:to

Enclosures

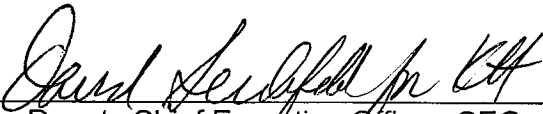
c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors

COMMUNITY AND SENIOR SERVICES
LOS ANGELES COUNTY AREA AGENCY ON AGING (AAA)
LONG-TERM CARE OMBUDSMAN PROGRAM
REQUIRED PROGRAM SERVICES

Required Service	Measurement
<i>Core Ombudsman Program Services</i>	
Resident-Level Advocacy – Complaint Resolution	Resolution Rate (number of complaints resolved and partially resolved divided by total number of complaints received)
Resident-Level Advocacy – Information and Consultation to Individuals	Number of consultations
On-Going Presence – Facility Monitoring/Coverage	Number of visits
On-Going Presence – Consultation to Facilities	Number of consultations
Resident Council Development and Support	Number of meetings attended
Family Council Development and Support	Number of meetings attended
Advance Health Care Directive and Property Transfer Witnessing	Number of hours
Systems-Level Advocacy	Number of hours
Referrals	Number of referrals
Other Activities	Varies
<i>Elder Abuse Prevention Program Services (Contractor shall provide at least one of the following services)</i>	
Public Education Sessions	Number of sessions
Training Sessions for Professionals	Number of sessions
Training Sessions for Caregivers Served by OAA Title III E	Number of sessions
Coordinated System to Respond to Elder Abuse	Number of hours
Educational Materials Distributed	Number of materials
Educational Products Developed	Number of products
<i>Supplemental Ombudsman Program Services</i>	
Staff and Volunteer Recruitment	Number of certified Ombudsman Representatives
Staff and Volunteer Training	Number of hours
Other Allowable Services	Varies

ATTACHMENT B

SOLE SOURCE CHECKLIST

Check (√)	JUSTIFICATION FOR SOLE SOURCE CONTRACTS Identify applicable justification and provide documentation for each checked item.
√	➤ Only one bona fide source for the service exists; performance and price competition are not available.
	➤ Quick action is required (emergency situation).
	➤ Proposals have been solicited but no satisfactory proposals were received.
	➤ Additional services are needed to complete an ongoing task and it would be prohibitively costly in time and money to seek a new service provider.
	➤ Maintenance service agreements exist on equipment which must be serviced by the authorized manufacturer's service representatives.
	➤ It is most cost-effective to obtain services by exercising an option under an existing contract.
√	➤ It is in the best interest of the County e.g., administrative cost savings, excessive learning curve for a new service provider, etc.
	➤ Other reason. Please explain:
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div data-bbox="289 1472 829 1612">  Deputy Chief Executive Officer, CEO </div> <div data-bbox="943 1514 1175 1612"> <u>5/26/10</u> Date </div> </div>	

**COUNTY OF LOS ANGELES – COMMUNITY AND SENIOR SERVICES (CSS)
JUSTIFICATION FOR SOLE SOURCE CONTRACTS**

This documentation is provided as justification for the CSS request to the Board of Supervisors for authorization to execute a sole source contract with WISE and Healthy Aging for the provision of Long-Term Care Ombudsman (LTCO) Program Services. CSS anticipates contracting with WISE and Healthy Aging pursuant to the requirements for a noncompetitive award under Title 22, Section 7360 of the California Code of Regulations (CCR) as a result of inadequate competition.

The applicable justification for this sole source request is as follows:

- Only one bona fide source for the service exists; performance and price competition are not available.

CSS receives Older Americans Act (OAA) and Older Californians Act (OCA) funding from the California Department of Aging (CDA) to administer the LTCO Program. The LTCO Program uses Ombudsman Representatives to advocate for the rights of Clients (age 60 years and older) who reside in long-term care facilities located in Los Angeles County (excluding the city of Los Angeles); and, it provides for activities which support the prevention of elder abuse, neglect and exploitation. The current LTCO Program contract expires on June 30, 2010. In March 2010, CSS released a Request for Information (RFI) with the intent of identifying potential agencies qualified to provide the LTCO Program Services throughout the Los Angeles County area (excluding the city of Los Angeles). CSS advertised and posted the RFI according to the federal, State and County requirements.

CSS received only one Statement of Interest in response to the RFI from WISE and Healthy Aging, who is CSS' current LTCO Program contractor. The Department evaluated the vendor's response and determined that it met the requirements stated in the RFI. CSS determined to award the contract to WISE and Healthy Aging pursuant to Title 22, Section 7360 of the California Code of Regulations, (Noncompetitive Award). CSS requested and received approval from CDA through its Office of the State Long-Term Care Ombudsman (OSLTCO) to make the award based on OSLTCO's determination that WISE and Healthy Aging met the designation requirements of the Older Americans Act (OAA). OSLTCO is the designated State Ombudsman authorized by the OAA to administer and oversee the Statewide LTCO Program.

- It is in the best interest of the County (e.g., administrative cost savings, excessive learning curve for a new service provider, etc.)

LTCO Program Services have been provided throughout the Los Angeles County area by one agency, WISE and Healthy Aging, since the Program's inception approximately 30 years ago. This agency has a long-standing record of experience and the demonstrated staffing capacity to provide the LTCO Program

**COUNTY OF LOS ANGELES – COMMUNITY AND SENIOR SERVICES (CSS)
JUSTIFICATION FOR SOLE SOURCE CONTRACTS**

Services. WISE and Healthy Aging maintains sufficient levels of both paid staff and volunteers who function as Ombudsman Representatives, certified by the OSLTCO. The Ombudsman Representatives provide the Program Services by advocating for the rights of Clients, working to resolve Clients' problems with care to bring about changes at the local, State and national levels and ultimately endeavoring to improve the care provided for all long-term care facility residents. WISE and Healthy Aging also engages in activities which support the prevention of elder abuse, neglect and exploitation including outreach, community education, service provider training and data collection and analysis. The agency has further demonstrated that it is experienced in preparing and submitting LTCO Program data using the federal National Ombudsman Reporting System, which is key to effectively administering the LTCO Program.

Although previously procured through the Request for Proposal (RFP) process, given the history of this Program's contract with one agency, the intent of the RFI to potentially save the County the administrative cost and time associated with an RFP solicitation appears warranted. Despite the lack of other respondents to the RFI, it is in the best interests of the County to approve this sole source contract with WISE and Healthy Aging because this agency has demonstrated its capacity and experience to provide Program Services in accordance with LTCO Program requirements. The Program Services are crucial for Clients who face the possibility of abuse (physical, emotional, financial, etc.), improper and/or inadequate care, violation of civil and human rights and other issues for which they may not have appropriate redress. WISE and Healthy Aging has the mechanisms in place which will enable it to continue operating the LTCO Program beginning July 1, 2010.